

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Atty Kruthers, Heather H., of County Counsel's Office (for Petitioner Public Guardian)

(1) Third Account Current and Report of Successor Conservator and (2) Petition for Allowance of Compensation to Successor Conservator and Attorney

Age: 73 years			PUBLIC GUARDIAN, Successor Conservator of the	NEEDS/PROBLEMS/COMMENTS:
			Person and Estate, is Petitioner.	
			4	Note: If the <i>Petition</i> is granted,
			Account period: 7/9/2011 - 6/30/2013 Accounting - \$195,691.32	Court will set a status hearing as follows:
Со	nt. from		Beginning - \$173,671.32 Beginning POH - \$158,744.01	as follows:
	Aff.Sub.Wit.		Ending POH - \$98,219.76	• Friday, September 4, 2015
√	Verified		(\$98,069.76 is cash)	at 9:00 a.m. in Dept. 303 for filing of the fourth
	Inventory		Conservator - \$3,249.96	account.
	PTC		(23.76 Deputy hours @ \$96/hr and 12.75 Staff hours	
	Not.Cred.		@ \$76/hr; includes 12 hours for move of the	
1	Notice of Hrg		Conservatee from CA Armenian Home to	Pursuant Local Rule 7.5, if the
√	Aff.Mail	W/	Orchard Park.)	document noted above is filed 10 days prior to the date listed,
	Aff.Pub.		Attorney - \$1,250.00	the hearing will be taken off
	Sp.Ntc.		(less than per Local Rule)	calendar and no appearance
	Pers.Serv.		D-11-16 CF01 40 (OV)	will be required.
	Conf. Screen		Bond fee - \$581.40 (OK)	
	Letters			
	Duties/Supp		Petitioner prays for an Order:	
	Objections		Approving, allowing and settling the Third	
	Video Receipt		Account; 2. Authorizing the conservator and attorney fees and commissions; and	
✓	CI Report		3. Authorizing payment of the bond fee.	
	9202			
✓	Order		Court Investigator Charlotte Bien's <i>Report</i> was filed 11/1/2012.	
	Aff. Posting		, .,	Reviewed by: LEG
	Status Rpt			Reviewed on: 8/29/13
	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 1 – Vogt

1

Smith, Myron F. (for Petitioner/Executor Judy Toler)

(1) First and Final Report of Executrix and Petition for Its Settlement, and (2) for Final Distribution Under Decedent's Will of Waiver of Accounting [Prob. C. 11640]

DOD: 11/17/2011			JUDY TOLER	. Execut	or, is petitioner.	NE	EEDS/PROBLEMS/COMMENTS:
			Accounting	is waiv	ed.		No a disease subjects to the supplication of the subjects of the supplication of the subjects of the subjects of the supplication of the subjects of the supplication of the subjects of the supplication of t
Со	nt. from 070813		I & A POH	- -	\$253,275.69 ???	1.	clearly stating the property on hand to be distributed. California Rules of
H		Χ	Attorney	-	waives		Court, Rule 7.651 and Local Rule 7.12.1.
✓	Inventory		Executor	_	not addressed	2.	Petition does not contain a
✓	PTC		District discussion	- f	- d l		statement regarding if notice to the
✓	Not.Cred.		decedent's		erty on hand pursuant to ::		Franchise Tax Board was performed, as required by Probate Code
✓	Notice of Hrg		Judy Toler			9202(c)(1).	
✓	Aff.Mail		Terry Arnold Annette Nic	:hols		3.	Order does not comply with Local Rule 7.6.1A. Orders shall set forth all
	Aff.Pub.		Steph				matters ruled on by the court, the
	Sp.Ntc.						relief granted, and the names of
	Pers.Serv.						person, descriptions of property
	Conf.						and/or amounts of money affected with the same particularity required of
	Screen						judgments in general civil matters.
✓	Letters						Monetary distributions must be stated
	Duties/Supp						in dollars, and not as percentages of the estate.
	Objections						rie esiale.
	Video						
	Receipt						
	CI Report						
✓	9202						
	Order	Χ					
	Aff. Posting						eviewed by: KT
	Status Rpt					Re	eviewed on: 8/29/2013
	UCCJEA						odates:
	Citation						ecommendation:
	FTB Notice	Χ				File	e 3 – Barnes
							2

Atty Knudson, David N. (for Petitioner Mary Jo Cardoza)
Atty Teixeira, J. Stanley (for Objector Michele Cardoza)

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 2/24/12			MARY JO CARDOZA, daughter, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
			40 days since DOD.	
			No other proceedings.	CONTINUED FROM 8/15/2013. As of 8/29/2013 no additional
			·	documents have been filed.
	nt. from 022113	,	1 & A - \$80,000.00	
060	2813, 032813, 2613, 071113, 1513		Will dated 1/14/12 devises decedent's ½ interest in real property to Mary Jo Cardoza.	
	Aff.Sub.Wit.		Petitioner requests Court determination that	
✓	Verified		Decedent's ½ interest in real property located in	
√	Inventory		Selma California passes to her pursuant to Decedent's Will.	
✓	PTC		Objections to Petition to Determine Succession	
	Not.Cred.		filed by Michele Cardoza on 3/22/13. Objector states the real property identified in the petition	
✓	Notice of Hrg		(the Property) was and is subject to an	
✓	Aff.Mail	W/	agreement (the Agreement) between decedent, Emily Scharer and Mary Jo Cardoza,	
	Aff.Pub.		Joseph Cardoza, William Cardoza, Michael	
	Sp.Ntc.		Cardoza and Objector.	
	Pers.Serv.		To understand the terms of the Agreement,	
	Conf. Screen		reference is made to case no. 219958-6, the	
	Letters		Estate of Mary Silva. Mary Silva died in 1977 and	
	Duties/Supp		was the mother of Emily Scharer, and grandmother of Mary Jo Cardoza, Joseph	
-	Objections		Cardoza, William Cardoza, Michael Cardoza	
	Video Receipt		and Objector.	
	CI Report		The Last Will and Testament of Mary Silva devised	
	9202		her entire estate to her six grandchildren and	
✓	Order		made no provisions for her daughter, Emily Scharer.	
	Aff. Posting		Included in her estate was an undivided ½	Reviewed by: KT
	Status Rpt		interest in the Property. During the course of the	Reviewed on: 08/29/13
	UCCJEA		administration of the estate of Mary Silva, the	Updates:
	Citation FTB Notice	<u> </u>	Agreement was made between Emily Scharer,	Recommendation: File 4 - Scharer
	I ID NUICE		who held the other ½ interest in the Property, and the six grandchildren of Mary Silva, who were to receive Mary Silva's ½ interest in the Property.	THE 4-3CHOICE
			Please see additional page	

4 Emily Scharer (Det Succ)

Case No. 13CEPR00059

The material terms of the Agreement were that Emily Sharer would receive all income/profit from the Property during her life and, in exchange for the grandchildren foregoing any interest in the income/profit during her life, she would, upon her death, give the exempted portion of the real property contained in the legal description of the Property to her children equally. Thus, upon the death of Emily Scharer, the farmland and the portion surrounding and containing the residence would be merged and the ownership of the parcels would be held equally by the six grandchildren of Mary Silva.

The Agreement was prepared and executed by the law offices of Shepard, Shepard and Janian, and resulted in a Grant Deed being recorded with the County Recorder on 6/13/1978, whereby Emily Scharer was given a life estate in the Property.

As also part of the Agreement, final distribution of the estate of Mary Silva was entered on 10/23/1978. The decree distributes the Property to the six grandchildren without reference to the Agreement and the previously recorded Grant Deed.

Objector states she contacted the law offices of Shepard, Shepard and Janian about obtaining a copy of the Agreement. Objector was told that Mary Jo Cardoza obtained Emily Scharer's file and the office did not keep a copy.

Of the six grandchildren of Mary Silva who might attest to the existence of the Agreement, Objector states she is the only one able and willing to step forward; Margaret died in 2004, William died in 2005, Joseph has dementia, Michael, for whatever reason, has aligned himself with Mary Jo, and the interests of Mary Jo.

Objector states that while she is unable to produce the written Agreement, the written documents available provide evidence that the parties to the Agreement acted and performed according to the terms of the Agreement, save for Emily Scharer completing her performance as required.

Minute order dated 3/28/2013 states the Court directs counsel to submit a joint document showing the chain of title and what it represents.

Minute Order dated 07/11/13 states Mr. Teixeira informs the Court that he is waiting to receive the chain of title documents. Mr. Teixeira requests a continuance. Matter continued to 08/15/13. Mr. Teixeira is directed to have a title report by the next hearing.

Atty Atty

Christopher Antonio Navarro (GUARD/E)

Porter, Tres A. (for Tony Navarro – Father – Petitioner)

Sanoian, Joanne (for Jennifer Sanchez – Maternal Aunt – Guardian of the Estate)

Notice of Motion and Motion for Distribution of Funds Received from CalSTRS by

Guardian of the Person to be Paid to the Parent, Tony Navarro, for the Minor's **Benefit**

Ag	e: 7	TONY NAVARRO, Father, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
>	Aff.Sub.Wit. Verified Inventory PTC Not.Cred. Notice of Hrg	JENNIFER SANCHEZ, Maternal Aunt, was appointed Guardian of the Estate on 3-6-13 without bond, funds blocked. Petitioner states the mother died in December 2012. At the time of her death, there was litigation pending between the parents re child support. Said litigation has spanned a period of several years culminating in an order of primary custody to Petitioner at the time of the mother's	Note: Although Mr. Navarro filed this petition and is therefore the "Petitioner" in the matter before this Probate Court at this time, it appears that in his documents he refers to himself as the "Respondent" and to Ms. Sanchez as "Petitioner," as is the practice in Family Law litigation. Examiner notes this observation simply to avoid confusion in reading the Examiner Notes, which refer to the party bringing the petition as the "Petitioner."
	Aff.Mail Aff.Pub. Sp.Ntc. Pers.Serv. Conf. Screen Letters Duties/Supp Objections Video Receipt CI Report 9202 Order	O8CEFL00595. A joinder against Ms. Sanchez has recently been issued. That matter is still pending. Petitioner states the CalSTRS payments for the child were ordered on an ex parte basis on 5-8-13 to be received by the Guardian of the Estate and deposited to blocked account. Petitioner states the funds are for the benefit of the child and should be utilized for the care of the child. At the 3-26-13 hearing wherein Ms. Sanchez was originally appointed as Guardian of the Estate without bond, Counsel for Petitioner objected as to the ongoing monthly benefit payments, specifically CalSTRS benefits, being paid to her rather than to the father. At that time, she had not contacted CalSTRS and was not certain such benefit would be subject to the guardianship estate.	 This petition is titled as a "Motion" and therefore was charged a fee of \$60.00 for filing. However, Examiner notes that this actually appears to be a petition for an order authorizing, instructing, or directing a fiduciary, which would require the full filing fee of \$435 pursuant to GC §70658(a) (Fee Schedule Line 144). Therefore, need balance of \$375 from Petitioner. Notice was not properly served. Revised notice may be required due to the following issues: Notice of Hearing to Ms. Sanchez, Guardian of the Estate of the minor, was served "C/O" attorney Joanne Sanoian. Cal. Rules of Court 7.51 requires direct service, and Probate Code § 1214 allows service to the attorney in addition to service on the party, not instead of or "C/O." CRC 7.51 also requires direct service on the minor, not "C/O" the parent. Notice to Paternal Grandparents was served together, rather than individually.
	Aff. Posting	Now, precisely as predicted at that hearing,Petitioner is forced to bring the instant	Reviewed by: skc
	Status Rpt	motion to obtain this monthly payment to	Reviewed on: 8-29-13
	UCCJEA	pay for expenses for the child. Petitioner is	Updates:
	Citation	the sole surviving parent, is a self-employed contractor and has an average monthly	Recommendation:
	FTB Notice	income less than the equivalent of full time minimum wage.	File 5 – Navarro
		SEE ADDITIONAL PAGES	
-		•	5

5 Christopher Antonio Navarro (GUARD/E)

Case No. 13CEPR00138

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Petitioner states that while he is married and his current wife does earn sufficient income to support the household, the ongoing support and care of the minor child is NOT the legal responsibility of his spouse.

Petitioner states he is among the persons authorized by law to receive the benefits on behalf of the child. California Education Code §23855 and 23856 cited.

Petitioner states that if no guardianship of the estate had been established, he would be entitled to receive this benefit. However, the code does not designate as to who would have priority between a guardian of the estate and a parent having custody. Petitioner contends that the present situation makes absolutely no logical sense, nor would it be just or equitable to allow the guardian of the estate, who was appointed to oversee assets such as the decedent's vehicle, bank accounts, and various items of furnishing or other personal property, to have exclusive control over a monthly survivor benefit for the benefit of the child.

Petitioner states it seems quite clear that the monthly allowance from CalSTRS was intended to be an ongoing payment for the surviving children's health, well-being, and support. If such funds were intended to be accumulated into a blocked account as an investment for the child, then it would be much more logical that such sum would be awarded as a lump sum. As such, funds intended to provide for the child's ongoing needs should be paid to Petitioner.

Petitioner prays that the Court issue an order that the Guardian of the Estate pay forthwith to Petitioner fbo the minor child all sums received from the California State Teachers' Retirement System (CalSTRS) after such sums have been placed into a blocked account pursuant to this Court's order of 5-8-13.

Jennifer Sanchez, Guardian of the Estate, filed a Reply on 8-27-13. Ms. Sanchez states she is also the trustee of a living trust executed by the mother. The parents had a contentious relationship until the mother's death, and at her death, Petitioner sought to join Ms. Sanchez, as trustee of the trust, into the existing family law matter. During the family law proceeding, he sought modification of a child support order for \$241/month.

Ms. Sanchez states that immediately after the mother's death, Petitioner sought to obtain her trust assets for the minor's support through a motion for joinder. Although successful in joining her, as trustee, for a very limited purpose (to obtain reimbursement for one-half unpaid health and child care benefits from date of death), no ongoing support order was made against the mother which would now authorize a claim against the trust, nor the assets of this guardianship proceeding. On 7-30-13, Petitioner filed a Notice of Appeal of the court's order in the family law proceedings. That matter is currently pending.

The Reply states that the CA Education Code referenced was the basis for this court's order authorizing the guardian to receive the CalSTRS benefits as guardianship assets. Petitioner's moving papers fail to disclose the fact that he is receiving Social Security Survivor benefits for the support of the minor. Ms. Sanchez believes those are approx. \$300/month, which is more than the amount that he previously paid the mother in child support.

SEE ADDITIONAL PAGES

5 Christopher Antonio Navarro (GUARD/E)

Case No. 13CEPR00138

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Re a guardian's use of guardianship assets to support a child: It is the parents, not the guardian, who has a duty to provide financial support for the minor. Authority cited. Because a parent has the legal obligation to support his or her minor child, the minor's assets are to be preserved until he or she attains majority, fi the minor has a parent available to provide support. As a matter of almost universal court policy, the guaridna may not use guardianship assets without prior court approval, and **unless the minor's parents are deceased or unavailable, approval is given only in extraordinary circumstances**. (Probate Code §2422; Family Code §3902; CEB 10.20, 10:24).

Ms. Sanchez states Petitioner is responsible for support of his child. Petitioner seeks a turnover of all CalSTRS benefits on a monthly basis for his use, without establishing that guardianship assets should be available to him, or the legal grounds under which he is somehow entitled to these assets. He has attempted for more than four years to obtain assets of the decedent. He was successful in reducing his child support obligation to her shortly before she died. Through an appeal on the family law proceeding, an objection to the establishment of the guardianship proceeding, and now this motion to gain access to the assets, he continues the vindictive and malicious attack on the decedent. His recent actions explain exactly why the mother carefully executed her estate plan prior to her death, to place a trusted family member in charge of assets which will ultimately be transferred to the minor in adulthood.

Petitioner fails to show facts sufficient to compel Ms. Sanchez to furnish support under Probate Code §2404. Ms. Sanchez is informed and believes that Petitioner's household income exceeds \$100,000.00 and that he has an ownership interest in at least one home and one rental property. At no time has he spoken to Ms. Sanchez re specific needs for which additional funds are needed. He has not spoken to her at all.

Guardianship assets currently total approx. \$53,157.00. These funds should be preserved for the minor. Should Petitioner bring a petition under §2404 and establish need for support, maintenance, education, or special needs that cannot otherwise be met by the father, Ms. Sanchez shall readily comply with any court order regarding same. She shall also request appointment of a Guardian Ad Litem for the minor to investigate the facts alleged in such a petition.

Attached to the Reply is a copy of the 4-30-13 Findings and Order in 08CEFL00595

Ms. Sanchez requests the motion be DENIED.

NEEDS/PROBLEMS/COMMENTS (Cont'd):

3. Petitioner requests the Court take Judicial Notice of the underlying litigation in 08CEFL00595; however, Cal. Rules of Court 3.1306(c) requires that the party specify in writing the part of the file sought to be judicially noticed, and make arrangements to have the file available at the hearing. Continuance for such information may be required if Petitioner is requesting Judicial Notice of parts of the family law court file.

Atty

Hicks, Julie A (for Diane Brewster –Petitioner-Sister)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 15			TEMPORARY EXPIRES 09/05/13	NEEDS/PROBLEMS/COMMENTS:
			DIANA BREWSTER , sister, is Petitioner.	
<u> </u>	nt frame		Father: GEORGE BREWSTER , SR . – deceased	
Co	nt. from		A A a Ha a w OTHLA DDEWCTED	
	Aff.Sub.Wit.		Mother: OTILIA BREWSTER – deceased	
✓	Verified		Paternal grandfather: WILLIAM BREWSTER –	
	Inventory		deceased	
	PTC		Paternal grandmother: INEZ BREWSTER –	
	Not.Cred.		deceased	
	Notice of Hrg		Maternal grandfather: CATARINO	
	Aff.Mail		CISNEROS – deceased Maternal grandmother: JULIA CISNEROS –	
	Aff.Pub.		deceased	
	Sp.Ntc.			
	Pers.Serv.	n/a	Petitioner alleges that both parents are	
✓	Conf. Screen		deceased. It was Angel's mother's wish that Petitioner be appointed as guardian.	
✓	Letters		Petitioner is Angel's godmother and he currently lives with her. Petitioner states	
✓	Duties/Supp		that Angel wants to remain living with Petitioner.	
	Objections		Tellioner.	
	Video Receipt		Court Investigator Samantha Henson's report filed 08/29/2013.	
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			Reviewed by: LV
	Status Rpt			Reviewed on: 08/29/2013
✓	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 6 - Cisneros

Knudson, David N. (for Isabel Velasquez – mother/Petitioner)
Petition for Appointment of Guardian of the Estate (Prob. C. 1510)

Δ.	no: 14		NO TEADODA BY DECLIESTED	NEEDS/PROBLEMS/COMMENTS:
_	e: 16 se: 04/29/97		NO TEMPORARY REQUESTED	NEEDS/PROBLEMS/COMMENTS:
	DB: 04/28/97		ISABEL VELASQUEZ, mother, is Petitioner.	Need proof of service by mail at least 15 days before the hearing of
			Father: JUVENTINO ESPINOSA - deceased	Notice of Hearing with a copy of the Petition for Appointment of
Co	nt. from		Paternal grandfather: DECEASED	Guardian of the Estate or
	Aff.Sub.Wit.		Paternal grandmother: CARLOTTA	Declaration of Due Diligence <u>or</u>
✓	Verified		ESPINOSA - deceased	Consent & Waiver of Notice for:
	Inventory		A 4 - 14 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	- Salvador Velasquez (maternal
	PTC		Maternal grandfather: SALVADOR VELASQUEZ	grandfather) - Maria Sanchez (maternal
	Not.Cred.		Maternal grandmother: MARIA SANCHEZ	grandmother)
✓	Notice of Hrg		7.16.16.1.6.1.6.1.	- Jesse Espinosa (brother)*
✓	Aff.Mail	w/	Siblings: ROBERTO ESPINOSA, SUZANNA	*Proof of service filed 07/31/13 shows
	Aff.Pub.		PEREZ, JESSE ESPINOSA, JUVENTINO	service by mail to Jesus Espinosa, it is unclear whether Jesus and Jesse
	Sp.Ntc.		ESPINOSA, JR.	are one in the same person.
	Pers.Serv.		Petitioner states that the minor's father	are erro arrano sarrio poisera.
✓	Conf. Screen		died on 12/14/08. He was entitled to	2. Need Order to Deposit Funds into
✓	Letters		payments from various asbestos related	Blocked Account (form MC-355).
✓	Duties/Supp		litigation trusts. Benefits are payable to his	Note: If the political is graphed status
	Objections		heirs. Appointment of a guardian of the estate is necessary to sign documents	Note: If the petition is granted status hearings will be set as follows:
	Video		agreeing to allocation of benefits	riedinigs will be set as follows.
	Receipt		between decedent's heirs and to receive	• Friday, 02/07/14 at 9:00a.m. in
	CI Report	n/a	proceeds on behalf of the minor. All	Dept. 303 for the filing of the
✓	9202		proceeds will be deposited in a blocked account at Bank of America.	inventory and appraisal <u>and</u> • Friday, 11/07/14 at 9:00a.m. in
*	Order		account at bank of America.	Dept. 303 for the filing of the first
			Estimated Value of the Estate:	account and final distribution.
			Personal property - \$7,500,00	Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
	Aff. Posting			Reviewed by: JF
	Status Rpt			Reviewed on: 08/30/13
	UCCJEA	n/a		Updates:
	Citation			Recommendation:
	FTB Notice			File 7 – Espinosa

Winter, Gary L. (for David and Arlene Liles, Petitioners on behalf of Raven Nicole Bailey)
Status Hearing Re: Filing of Accounting

	On 5-21-13, pursuant to Amended Petition	NEEDS/PROBLEMS/COMMENTS:
	filed by David and Arlene Liles , Guardians	
	Ad Litem for Raven Nicole Bailey, minor	Continued from 6-14-13, 8-16-13
	beneficiary, the Court appointed H.F. RICK LEAS , a licensed professional fiduciary, as	Note: There were no appearances on 6-
Cont. from 061413,	Successor Trustee of the Amended Carol	14-13 or 8-16-13. Copies of the minute
081613	Baily Living Trust with bond of \$500,000.00 on	orders were mailed to Attorney Winter
Aff.Sub.Wit.	5-21-13. Bond was filed on 5-31-13.	and Allison St. Louis.
Verified		
Inventory	Order 5-21-13 also requires ALLISON ST. LOUIS ,	
PTC	as successor or representative of the prior trustee DAVID J. ST. LOUIS , to file an	
Not.Cred.	accounting with the Court, which	
Notice of	accounting shall be prepared by Dritsas,	
Hrg	Groom and McCormick, LLP, within four	
Aff.Mail	weeks of the order.	
Aff.Pub.	T. O. I.	
Sp.Ntc.	The Court set this status hearing for the filing of the accounting.	
Pers.Serv.	of the accounting.	
Conf.		
Screen		
Letters		
Duties/Supp		
Objections		
Video		
Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 8-29-13
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 11 - Bailey